

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Daniel Elex,

Court File No. 12-cv-3206 (ADM/JJK)

Plaintiff,

vs.

**PLAINTIFF'S PROPOSED  
VOIR DIRE**

Jeremy Halek,

Defendant.

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Plaintiff submits the attached proposed Voir Dire.

Dated: September 2, 2014

s/Tim M. Phillips  
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**ATTORNEYS FOR PLAINTIFF**

**VOIR DIRE**

1. Do you know anyone who is employed by a law enforcement agency?
2. What are your feelings about law enforcement in general?
3. Please describe any contacts, whether good or bad, that you have had with law enforcement.
4. Have you, or any members of your family or close friends, ever had such a positive or negative experience with law enforcement that you might be inclined to favor one side or the other in this case?
5. Have you, or any members of your family or close friends, ever filed a claim against any government entity or law enforcement officer?
6. Have you, or any members of your family or close friends, ever been subjected to excessive force by a police officer?
7. Have you ever been in a situation where it was your word against the word of a law enforcement officer? Were you treated with the same amount of respect and credibility as the officer?
8. Have you read articles or seen programs discussing the use of excessive force by police officers? Please explain.
9. Would you tend to believe the testimony of a police officer over a civilian witness simply because he or she is a police officer?
10. Some people believe police officers always testify truthfully in court, while others think they sometimes lie. Which are you closer to?
11. This case involves a claim of excessive force by police officers. Some people are uncomfortable evaluating the conduct of police, while others are okay with it. Which are you closer to?

12. In trials like this, you are required to make your decision on the basis of whether the plaintiff is more likely right than wrong. You have probably heard the phrase “proof beyond a reasonable doubt,” which is a stricter standard that applies in criminal cases, but not in this case. Will anyone have trouble making a decision based on whether the plaintiff is more likely right than wrong?
13. How do you feel about trials having an effect on the community?
14. Some people are uncomfortable making decisions on a jury that might have an effect on the community, while others are okay with it. Which are you closer to?
15. You will hear that there are rules that govern the use of force by police officers. In this case, the plaintiff will argue that those rules were violated and the defendant will argue that he didn’t violate these rules. Who will have a problem deciding whether the rules were violated?
16. Sometimes a person sues someone not only to get justice for a wrong, but also to make sure it doesn’t happen again. Some people think that’s a proper use of the court system, while others are okay with it. Which are you closer to?
17. Some people feel that holding others responsible is more important in criminal cases than in civil cases, while others disagree. Which are you closer to?
18. The defendant says he did nothing wrong. But if, at the end of this trial, you believe he violated the rules governing the use of force, what trouble

would you have in deciding on a verdict that would show that police officers need to follow the rules to protect and serve our community?

19. The law requires civil cases to be tried to a jury in the community where the act happened. Why do you think it's important to try cases in the community where the act occurred? How do you think that benefits the community?

20. Someone once said that a jury is the "guardian of the community." Some people are uncomfortable being asked to be a guardian, while others are okay with it. Which are you closer to?

21. The law permits a person to be awarded monetary damages when it is proven that his civil rights were violated. Would you have a problem following the law and awarding fair compensation for such a violation?

22. This case involves a broken cheekbone. Has anyone suffered a broken cheekbone? Please tell us about it.

23. You will also be asked to make an award of non-economic damages for physical pain and mental suffering. If you are instructed by the Court that you must consider non-economic damages, are you going to be able to do so?

24. Do you think there should be a limit placed on the amount of money a person can receive in a civil rights case?

25. Do you have some damages limit in your mind no matter what the evidence shows?

26. Is there anything that you've heard so far that would make you not want to sit as a juror in this case?